

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01, GRANTING A SPECIFIC USE PERMIT FOR A DROP-IN CHILD CARE DAY CARE CENTER, LOCATED ON A TRACT OF LAND SITUATED IN THE CITY OF FRISCO AND IN THE ZACHARIAH BURRIS SURVEY, ABSTRACT NUMBER 74, COLLIN COUNTY, TEXAS, CONTAINING 0.784 ACRES OF LAND, MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that Comprehensive Zoning Ordinance No. 00-11-01 should be amended and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by Rick's Kicks Martial Arts ("Applicant"), to allow a Specific Use Permit for a Drop-In Child Care Day Care Center on a tract of land zoned Commercial-1. The tract of land is situated in the Zachariah Burris Survey, Abstract No. 74, in the City of Frisco, Collin County, Texas ("Frisco"), containing 0.784 acre of land, more or less, and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to Frisco's Comprehensive Zoning Ordinance No. 00-11-01, and has further agreed to comply with the additional restrictions set forth herein and the site plan, attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit, and that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Permit Granted. Applicant is granted a Specific Use Permit to allow the Drop-In Child Care Day Care Center on the Property, which is zoned Commercial-1.

The Property as a whole and the boundaries are more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes as if set forth verbatim (“Property”). The general location of the Property is depicted on Exhibit “A-1”, attached hereto. The Property has been developed in compliance with the conditions expressly stated in the site plan, attached hereto as Exhibit “B”. Additional conditions for the granting of the Specific Use Permit described in this Ordinance are as follows:

- 1. The outdoor play area requirement of sixty-five (65) square feet per child is waived for a Drop-In Child Care Day Care Center.**

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be complied with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance and/or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as they exist or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the entity named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Frisco, that occurs on the Property;
2. The building, premise, or land used under a Specific Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate

Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;

3. Violation of any provision of the terms or conditions of this Specific Use Permit;
4. Ad valorem taxes on the Property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or deception; or
6. As otherwise permitted by law and/or Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as it exists or may be amended.

SECTION 5: Specific Use Permit Effective Date. This Specific Use Permit shall be effective from and after the effective date of this Ordinance.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm, entity or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable ordinances.

SECTION 7: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Savings/Repealing Clause. Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____, 2008.

MAHER MASO, Mayor

ATTESTED TO AND

CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

Ron Patterson, Interim City Secretary

Abernathy Roeder Boyd & Joplin P.C.
Claire E. Swann, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit "A"
SUP08-0009

BEING a parcel of land situated in the City of Frisco, Collin County, Texas, a part of the Zachariah Burris Survey, Abstract No. 74, and being all of Lot 8, Block A of the SWC Ohio/Lebanon Addition, an addition to the City of Frisco as recorded in Cabinet Q, Page 280, Collin County Plat Records, and being further described as follows:

BEGINNING at the northwest corner of said Lot 2, said point being the northeast corner of Lot 10, Block A of the SWC Ohio/Lebanon Addition, an addition to the City of Frisco as recorded in Volume 2006, Page 614, Collin County Plat Records, said point being in the southerly right-of-way line of Lebanon Road (a variable width right-of-way);

THENCE along the northerly line of said Lot 8 and along the southerly right-of-way line of Lebanon Road as follows:

South 53 degrees 20 minutes 04 seconds East, 45.02 feet to a point for corner;

South 58 degrees 54 minutes 00 seconds East, 75.00 feet to the northeast corner of said Lot 8, said point being the northwest corner of Lot 2, Block A of the SWC Ohio/Lebanon Addition, an addition to the City of Frisco as recorded in Cabinet N, Page 171, Collin County Plat Records:

THENCE South 31 degrees 06 minutes 00 seconds West, 271.37 feet to the southeast corner of said Lot 8, said point being the southwest corner of said Lot 2, said point being in the northerly line of Lot 7R, Block A of the SWC Ohio/Lebanon Addition, an addition to the City of Frisco as recorded in Volume 2008, Page 122, Collin County Plat Records;

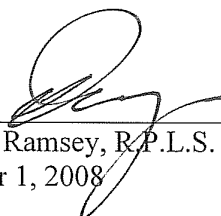
THENCE South 89 degrees 38 minutes 05 seconds West, 81.13 feet along the northerly line of said Lot 7R to the southwest corner of said Lot 8, said point being the southeast corner of said Lot 10;

THENCE along the westerly line of said Lot 8 and along the easterly line of said Lot 10 as follows:

North 00 degrees 24 minutes 49 seconds West, 96.82 feet to a point for corner;

North 31 degrees 06 minutes 00 seconds East, 235.54 feet to the POINT OF BEGINNING and containing 34,130 square feet or 0.784 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Dan B. Ramsey, R.P.L.S. No. 4172
October 1, 2008



LOCATION MAP
INT TO SCALE

GRAPHIC SCALE
1 inch = 50 ft.

LEGEND
 - - - - - EXISTING SURVEY LINE
 - - - - - EASEMENT
 - - - - - EASEMENT
 - - - - - EASEMENT

SITE NOTES
 1) The Existing Survey Lines Shall Be As Shown On This Plat.
 2) No Existing Survey Lines Shall Be Deleted Or Modified.

EXHIBIT A: SUPP08-0009
S.W.C. OHIO/LEBANON ADDITION
 0.78 ACRES
 0.78 ACRES OUT OF THE 2.00 ACRES SURVEY,
 CITY OF FRESCO, COLLIN COUNTY, TEXAS

APPLICANT
 RICK'S KICKS DEVELOPMENT CO. LLC
 1973712-5925
 1973712-5925
 1973712-5925

PLANNER/SURVEYOR/ENGINEER
 JBI PARTNERS, INC.
 1973712-5925
 1973712-5925
 1973712-5925

LOT 1, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 2, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 3, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 4, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 5, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 6, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 7, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 8, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 9, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 10, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 11, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 12, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 13, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 14, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 15, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 16, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 17, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 18, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 19, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 20, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 21, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 22, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 23, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 24, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 25, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 26, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 27, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 28, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 29, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 30, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 31, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 32, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 33, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 34, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 35, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 36, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 37, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 38, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 39, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 40, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 41, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 42, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 43, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 44, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 45, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
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 ZONED: C-1
 LAND USE: RETAIL

LOT 46, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.
 ZONED: C-1
 LAND USE: RETAIL

LOT 47, BLOCK 1
 S.W.C. OHIO/LEBANON ADDITION
 VOLUME 1, PAGE 219 P.A.C.C.T.

Exhibit "A-1"
SUP08-0009

